

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES

2 SKYLINE, 10th FLOOR

5203 LEESBURG PIKE

FALLS CHURCH, VIRGINIA 22041

May 28, 1997

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket NO. KENT 94-1194
Petitioner	:	A.C. No. 15-15592-03594 S
	:	
v.	:	No. 1 Mine
ALPHA MINING COMPANY,	:	
Respondent	:	

**ORDER OF DISMISSAL ON REMAND**

Before: Judge Melick

This Civil Penalty Proceeding is moot. The Respondent failed to seek review of this proceeding before the Commission. The decision of the administrative law judge affirming the underlying citation and assessing a \$10,000 civil penalty is therefore final. Under the circumstances this case on remand is dismissed.

Gary Melick  
Administrative Law Judge

Distribution:

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